

REMARKS

This is in full and timely response to the Final Office Action of July 27, 2001. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-39 are currently pending in this application, with claims 1, 2, 4, 5, 23, 24, 27 and 29 being independent.

No new matter is added.

Drawings

The drawings have been amended to correct typographical errors.

Claim objections

Claims 16-22 were objected to for the word "mater".

In response, the claims have been amended for the purpose of correcting typographical errors.

Withdrawal of this objection is respectfully requested.

Rejection Under 35 USC § 112

Claims 4, 10, 16-19 were rejected for various reasons under 35 USC § 112.

Regarding the use of the term "peculiar," it is submitted that this usage is clear and definite.

Claim 4 sets forth computers subservient to the master computer that comprises issuer means for creating and issuing unique authentication data, peculiar to the subservient computer, on the basis of an elapsed time measurement indicated by the unique time generating device.

According to page 965 of *"The American Heritage Dictionary of the English Language"*, published 1976, the term "peculiar" is defined as "belonging distinctively or especially to one person, group, or kind."

The specification as originally filed describes, for example, subservient computers 2 being subservient to master computer 1 (fig.1). The specification as originally filed further provides that subservient computers 2 issue unique additional authentication data, and that this unique additional authentication data issued by subservient computers 2 belongs distinctly to subservient computers 2 (page 17, lines 20-23).

The specification as originally filed provides similar descriptions for subservient computers 3, subservient computers 4, and subservient computers 5. Thus, the use of the term "peculiar" is clear and definite.

Regarding the use of the terms "various," while not conceding the propriety of this objection, and in order to further the prosecution of the application, the claims have been amended to overcome the points raised by the Examiner.

Withdrawal of these rejections is respectfully requested.

Double Patenting Rejection

Claims 1-39 were rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1-7 of U.S. Patent No. 5,933,625 issued to Sugiyama in view of U.S. Patent No. 5,502,765 issued Ishiguro et al. (Ishiguro) and the Examiner's Official Notice.

This rejection is respectfully traversed for at least the following reasons.

"There are some unique circumstances where it has been recognized that another type of nonstatutory double patenting rejection is applicable even where the inventions claimed in two or more applications/patents are considered nonobvious over each other." MPEP 804. However, in this type of double patenting rejection, "only the claims of the patent can be considered as support for the rejection, its disclosure being looked to only to determine the meaning of the claims, which are to be read in the light of the specification" (emphasis added). *id.*

As a rule, "assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the appellant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or

repute of the cited reference." (Citations omitted). *In re Pardo and Landau*, 214 USPQ 673, 677 (CCPA 1982).

"Allegations concerning specific 'knowledge' of the prior art, which might be peculiar to a particular art should also be supported and the appellant similarly given the opportunity to make a challenge." (Citations omitted). *In re Pardo and Landau*, 214 USPQ 673, 677 (CCPA 1982).

The support must have existed at the time the claimed invention was made. *In re Merck & Co., Inc.*, 231 USPQ 375, 379 (Fed. Cir. 1986).

Although the Final Office Action rejects the claims under the judicially created doctrine of obviousness-type double patenting, the Final Office Action is replete with statements regarding what Sugiyama and Ishiguro fail to teach. To make up for these deficiencies, the Final Office Action submits unsupported assertions to what was well known. However, these unsupported assertions amount to nothing more than conclusions that are personal in nature.

The teachings, suggestions or incentives supporting the obviousness-type double patenting rejection must be clear and particular. Broad conclusory statements, standing alone, are not evidence. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Moreover, the procedures established by Title 37 of the Code of Federal Regulations expressly entitle the Applicant to an

Examiner's affidavit upon request. Specifically, "when a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons." 37 CFR 1.104(d)(2).

In addition, the failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error. *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989).

Objective evidence or an Examiner's affidavit to support the use of Official Notice or what is well known has been previously requested in the Amendment and Request for Reconsideration filed on July 16, 2001. However, the requested evidence or affidavit has not been forthcoming.

Therefore, Ishiguro, Sugiyama and the official notice do not render obvious Applicant's invention. Furthermore, the claims are considered allowable for the reasons discussed above, as well as for the additional features they recite.

Withdrawal of this rejection is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the

present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Respectfully submitted,



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DATE: September 26, 2001

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APPENDIX

IN THE CLAIMS:

Please amend the claims as follows.

10. (amended) An authentication-data issuing system as recited in claim 1 wherein the unique authentication data created and issued by each of said subservient computers includes ~~various~~transmitted information to be transmitted to one or more other subservient computers under control of said master computer, said ~~various~~transmitted information including any of information representative of nature of a transaction, merchandise, settlement of account and credit standing.

16. (amended) An authentication-data issuing system as recited in claim 1 wherein said ~~master~~matter computer is a host computer of a main office exercising general control of an organization including a company or corporation and said subservient computers are computers for use at ~~various~~ stations or by constituent members of the organization, and wherein an operation to be effected by each of the stations or constituent members is performed on the basis of unique authentication data created and

issued by the corresponding subservient computer for each operation.

17. (amended) An authentication-data issuing system as recited in claim 1 wherein said ~~mat~~termatter computer is a host computer of an administrative organ exercising general control of administrative affairs and said subservient computers are computers for use at ~~various~~ stations or by constituent members of the administrative organ, and wherein an operation to be effected by each of the stations or constituent members is performed on the basis of unique authentication data created and issued by the corresponding subservient computer for each operation.

18. (amended) A recording media as recited in claim 11 wherein said ~~mat~~termatter computer is a host computer of a transportation company exercising general control of operations for issuing ~~various~~ tickets including an ordinary passenger ticket, railroad and ship tickets, coupon ticket, commuter pass and airline ticket and said subservient computers are computers contained in vending machines installed in a station, airlines, shipping company, tourist bureau, convenience store and the like, said recording media being employed as the ticket issued by any one of the

vending machines and having stored thereon unique authentication data that is created by said subservient computer of the vending machine every time the ticket is used.

19. (amended) A recording media as recited in claim 11 wherein said ~~mat~~termatter computer is a host computer exercising general control of operations for issuing ~~various~~ prepaid cards for using a railroad, ship, airplane, pachinko game machine, telephone, amusement park and the like and said subservient computers are computers contained in vending machines for issuing the prepaid cards, said recording media being employed as the prepaid card issued by any one of the vending machines and having stored thereon unique authentication data that is created by said subservient computer of the vending machine every time the ticket is used.

- 20. (amended) A recording media as recited in claim 11 wherein said ~~mat~~termatter computer is a host computer of a central bank exercising general control of operations for issuing electronic money and said subservient computers are computers contained in money issuing machines for issuing electronic money to users, said recording media being employed as the electronic money issued by any one of the money issuing machines and having stored

thereon unique authentication data that is created by said subservient computer of the money issuing machine every time the electronic money is used.

21. (amended) A recording media as recited in claim 11 wherein said ~~matter~~matter computer is a host computer of an administrative organ exercising general control of public services to be provided to individual residents and said subservient computers are computers contained in card issuing machines for issuing personalized ID cards that are to be used by the individual residents to get the public services, said recording media being employed as the ID card issued by any one of the card issuing machines and having stored thereon unique authentication data that is created by said subservient computer of the vending machine every time the ID card is used.

22. (amended) A recording media as recited in claim 11 wherein said ~~matter~~matter computer is a host computer exercising general control of operations of a banking agency, credit company, securities company, insurance company, loan company and trust company issuing cards including a cash card, loan card and credit card and said subservient computers are computers contained in card issuing machines for issuing cards to individual customers,

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and which is employed as said card issued by any one of the card issuing machines and has stored thereon in magnetic form unique authentication data that is created by said subservient computer of the money issuing machine every time the card is used.